

Carroll 2012

**PRE-TRIAL ORDER AND OMNIBUS HEARING**

In all criminal cases set for trial by jury, a pre-trial order shall be entered and an omnibus hearing set. At the omnibus hearing the Court will determine if the parties contemplate the entry of a plea of guilty by the defendant, either with or without a plea agreement. If there is a plea of guilty, the plea will be entered following the Omnibus Hearing. The Court will not accept a plea agreement after the Omnibus Hearing without a showing of good cause why the plea agreement could not have been reached at or prior to the Omnibus Hearing.

If no plea of guilty is entered, the Court will determine whether any cases with an earlier filing date or cases which the Court has assigned a higher priority remain scheduled for the same trial date. If there are none, then the trial date will stand; otherwise, a new trial date will be set.

LR08-CR00-29

**BOND SCHEDULE**

**A. AMOUNTS.** The following amounts shall be the amounts set for bail bonds unless otherwise ordered by the Judge of the Carroll Circuit Court or the Carroll Superior Court:

**Class of Offense    Bond Amount**

Murder    none

Habitual Offender (A, B, and C felonies) \$50,000.00 additional

Habitual Offender (D felony) \$5,000.00 additional

Class A felony \$100,000.00 surety plus \$500.00 cash

Class B felony \$50,000.00 surety plus \$500.00 cash

Class C felony \$10,000.00 surety plus \$500.00 cash

Class D felony \$5,000.00 surety or \$500.00 cash

Class A misdemeanor \$3,000.00 surety or \$300.00 cash

Class B misdemeanor \$1,500.00 surety or \$150.00 cash

Class C misdemeanor \$1,000.00 surety or \$100.00 cash

CAME TO HAND  
APR 11 2012  
1032 HOURS  
SHERIFF OF CARROLL COUNTY, DELPHI, IND

**EXCEPTIONS TO SCHEDULE**

**B. MULTIPLE CHARGES.** If an arrest is made on more than one charge and there has been no prior judicial determination of bail, bond shall be posted on the most serious charge only. If the listed bond amount is inappropriate under the circumstances, the Prosecuting Attorney shall bring such circumstances to the attention of the court by written or oral motion.

**C. DEADLY WEAPON.** For any offense involving the use of or attempted use of a deadly weapon or the infliction of serious bodily injury, the bail shall be increased by the sum of \$5,000 over the regular bond schedule.

**D. PERSONS ON PROBATION, PAROLE, BOND OR RELEASE ON OWN RECOGNIZANCE.** This bond schedule shall not be applicable in the case of a person who has been arrested for a crime while on probation, parole, bond or released on own recognizance for another offense. In such cases, the person may be detained for a maximum period of fifteen (15) calendar days, during which period the Prosecuting Attorney shall notify the appropriate parole or probation authority, and the Court shall determine the proper amount of bond, if any.

**E. ARRESTING OFFICER AFFIDAVIT TO DISALLOW BOND.** In the event that the arresting officer believes that the above schedule is not appropriate for a specific arrest based upon facts known to the officer or surrounding circumstances, the officer may complete an affidavit in a form substantially conforming to the form attached hereto (Form B) and provide it to the Sheriff's Department and the Sheriff is authorized to hold such arrestee until the sooner of forty-eight (48) hours (excluding weekends and holidays) or until further order of a Judge.

**F. RELEASE ON PROMISE TO APPEAR.** The bail schedule shall not apply to cases in which a person may be released upon written promise to appear or the posting of other appropriate security including, but not limited to, the following:

(1.) **Traffic Offenses.** Pursuant to I.C. 9-30-2-5, a resident of Indiana charged with a misdemeanor regulating use and operation of a motor vehicle other than one listed in I.C. 9-30-2-4 shall be released upon signing a promise to appear. The offenses excepted from this rule by I.C. 9-30-2-4 are as follows: (a) an offense causing or contributing to an accident involving injury or death to any person; (b) a violation of I.C. 9-30-5; and (c) failure to stop in the event of an accident causing death, personal injuries, or damage to property. Residents of states which are members of the nonresident violator agreement, I.C. 9-28-1 et seq shall be treated in the same manner as residents of Indiana. Residents of other states shall be required to provide security as provided in I.C. 9-30-2-5 or, failing to do so, they shall post bail in the amount provided above. Any person refusing to sign a promise to appear shall post bail.

(2.) **Conservation offenses.** Pursuant to I.C. 14-2-9-3, cases of violation of snowmobile and fish and game laws may be dealt with by summons rather than arrest.

**F. INTOXICATED PERSONS**

If any person is arrested or charged involving intoxication or use of drugs and in the opinion of the Sheriff or his department cannot safely be released because of such condition, the person shall be held until the Sheriff or his department

determines that the person would not constitute a danger to himself or others. This provision is subject to the rule that all persons arrested who remain in jail shall be brought into court no later than the next day court is in session.

**G. ARREST ON CIVIL PROCESS.** This bail schedule applies only to arrest on criminal charges. On civil arrests (body attachments), the person shall be held without bail pending court appearance unless a bail amount is stated on the body attachment. Such bail is to be accepted in cash only and must be posted by the person arrested. The Court will consider the cash bail posted to be the property of the person arrested and subject to attachment.

**H. CASH BONDS.** In all cases in which a cash bond is posted, the court approved bond form must be used. Cash bonds may be used to pay fines, court costs, administrative probation fees, and other financial obligations of the defendant in any Carroll County cause. In addition, the bond may be used to reimburse the county for the cost of court appointed counsel. Unless the Court orders otherwise, when cash bonds are released, they may be released to the person who posted the bond, not necessarily to the Defendant.

## **LR08-CR00-30**

### **AUTOMATIC CRIMINAL DISCOVERY RULE**

#### **A. GENERAL PROVISIONS**

1. Upon the entry of an appearance by an attorney for a defendant or a defendant's pro se written appearance, the State shall disclose and furnish all relevant items and information under this Rule to the defendant within thirty (30) days from the date of the appearance, subject to Constitutional limitations and such other limitation as the court may specifically provide by separate order, and the defense shall disclose and furnish all relevant items and information under this rule to the State within thirty (30) days after the State's disclosure.

2. No written motion is required, except:

- a) To compel compliance under this Rule;
- b) For additional discovery not covered under this Rule;
- c) For a protective order seeking exemption from the provisions of this Rule; or
- d) For an extension of time to comply with this Rule.

3. Although each side has a right to full discovery under the terms of this Rule, each side has a corresponding duty to seek out the discovery. Failure to do so may result in the waiver of the right to full discovery under this Rule.